

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GERALD E. LAMPKIN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 08 C 00006
)	
LOYOLA UNIVERSITY MEDICAL CENTER,)	Judge Blanche M. Manning
)	Magistrate Judge Martin C. Ashman
Defendant.)	

JOINT STATUS REPORT

A. Nature of the Case

1. Basis for jurisdiction, nature of the claims and counterclaims.

This is a claim by Plaintiff Gerald E. Lampkin brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), *et seq.*, as amended and 29 U.S.C. § 1981 alleging unlawful racial discrimination and retaliation by Defendant Loyola University Medical Center. Plaintiff also alleges a claim of defamation. There are no counterclaims.

2. Relief sought by Plaintiff, including computation of claimed damages, if available.

Plaintiff seeks lost wages of \$5,000 per month plus emotional distress damages.

3. Names of any parties that have not been served.

There are no parties that have not been served.

4. Major legal issues. The parties anticipate that major legal issues include:

- a. what constitutes actionable unlawful discrimination and/or retaliation under Title VII and Section 1981;
- b. what constitutes defamation; and

- c. whether Defendant is entitled to statutory immunity or a conditional privilege for any alleged defamation.
- 5. **Major factual issues.** The parties anticipate that substantial factual issues include:
 - a. Whether Plaintiff was terminated because of his race;
 - b. Whether Plaintiff was retaliated against because he complained about discrimination;
 - c. Whether Defendant defamed Plaintiff; and
 - d. The nature and extent of Plaintiff's alleged injuries.

B. Draft Scheduling Order under FRCP 16(b):

- 1. **Deadline to exchange initial disclosures required by Fed. R. Civ. P. 26(a)(1):**
 - a. April 15, 2008.
- 2. **Deadline to join other parties and amend the pleadings:**
 - a. Plaintiff's deadline is April 15, 2008.
 - b. Defendant's deadline is May 15, 2008.
- 3. **Deadline to file motions:**
 - a. Dispositive motions must be filed by December 9, 2008. Based upon Judge Manning's Standing Order, the parties agree that principal briefs in support of Motions for Summary Judgment will be exchanged no later than October 28, 2008 and that response briefs to Motions for Summary Judgment will be exchanged no later than

November 25, 2008 and reply briefs will be exchanged no later than December 9, 2008.

4. Deadline to complete discovery:

- a. September 30, 2008.

5. Provisions for disclosure or discovery of electronically stored information:

- a. The parties do not anticipate that this action will require extensive discovery of electronically stored information that requires specific provisions for its disclosure.

6. Agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after production:

- a. A party may assert a claim of privilege after production by giving written notice to the receiving party that identifies the information claimed to be privileged and upon providing a detailed explanation that permits the receiving party and court to understand the basis for the claim of privilege and whether waiver has occurred.
- b. The receiving party must promptly return, sequester, or destroy the information and retrieve any information that was disclosed to third parties before receiving notice of the claim of privilege. If the receiving party chooses to dispute that the information is privileged or that the privilege has been waived, the receiving party must notify the court within seven business days of receiving notice from the

disclosing party. The receiving party may not use or disclose the information pending resolution of the privileged claim.

7. Dates for conferences before trial, a final pretrial conference, and trial:

- a. The parties request a final pretrial conference in January or February 2009.
- b. The case shall be ready for trial by February 28, 2009.

C. Trial Status

1. A jury has been requested in this claim.
2. It is anticipated that the length of trial will be one week.

D. Consent to Proceed Before a Magistrate Judge

1. The parties do not consent to proceed before a Magistrate Judge.

E. Settlement Status.

1. The Parties have not yet discussed settlement.
2. The Parties may desire a settlement conference with a magistrate judge after discovery closes.

Respectfully submitted,

For Plaintiff, Gerald Lampkin

For Defendant, Loyola University Medical Center:

By: /s/Armand L. Andry
His attorney

By: /s/Rachel S. Urquhart
One of its attorneys

ARMAND L. ANDRY
One South Dearborn, Suite 2100
Chicago, Illinois 60603
(773) 626-3058
armandandry@hotmail.com

Brian W. Bulger
Brent J. Graber
Rachel S. Urquhart
Meckler Bulger & Tilson LLP
Suite 1800

123 N. Wacker Drive
Chicago, IL 60606
Tel.: (312) 474-7900
Fax: (312) 474-7898
E-Mail: brian.bulger@mbtlaw.com
brent.graber@mbtlaw.com
rachel.urquhart@mbtlaw.com

M:\12486\pleading\jt status report.doc